



MONO COUNTY GRAND JURY

2020-2021

COMPLIANCE AND CONTINUITY FINAL REPORT

Submitted March 25, 2021

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO


IN RE:

2020-2021 Grand Jury

GENERAL ORDER

I certify that the 2020-2021 Grand Jury Compliance and Continuity Report, pursuant to California Penal Code § 933 (a), complies with Title Four of the California Penal Code and direct the County Clerk to accept and file the final report as a public document.

Dated this 9th day of April 2021.



MARK MAGIT
Presiding Judge of the Superior Court

MONO COUNTY COMPLIANCE AND CONTINUITY REPORT:

2020-2021 GRAND JURY

SUMMARY

The 2020-2021 Mono County Civil Grand Jury reviewed the responses to the two investigative reports and the four continuity reports issued by the 2019-2020 Mono County Grand Jury, to assess compliance with the California Penal Code. The complete text of these reports can be accessed in the Mono County Grand Jury 2019-2020 Final Report, issued on July 20, 2020, at the Mono County website <https://www.mono.courts.ca.gov/generalinfo/jury-grandjury.htm>.

BACKGROUND

California Penal Code Section 933(a) requires the grand jury to “submit to the presiding judge of the superior court a final report of its Findings and Recommendations that pertain to county government matters during the fiscal or calendar year.” Government bodies or department officials are required to respond to the Findings and Recommendations directed to them within 90 days of the release of a grand jury’s report. Elected County officials are required to respond within 60 days. (PC §933(c)).

Penal Code Section §933.05 Responses to Grand Jury Reports

- a. For the purposes of subdivision(b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- b. For the purposes of subdivision(b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 1. The Recommendation has been implemented, with a summary of the action taken;
 2. It will be implemented, with a timeframe for implementation being provided;
 3. It requires further analysis, with an explanation and the scope of the analysis and a timeframe for response being provided for not more than six months from the release of the report; or
 4. It will not be implemented because it is not warranted or is not reasonable, with an explanation being provided.

The 2019-2020 Mono County Civil Grand Jury issued the following reports in its final report dated July 20, 2020:

Mono County Jail Final Report

Continuity Committee Solid Waste Report

Continuity Committee MCOE Report

Continuity Committee Mono County Jail Report

Continuity Committee Hilton Creek Report

Emergency Preparedness Final Report

This Compliance and Continuity Report focuses only on the Penal Code requirements for responding to the Recommendations made by the 2019-2020 Civil Grand Jury. The two reports and the continuity reports contained recommendations, of which five required responses from a total of four persons, agencies, or departments. Two recommendations required responses from two different agencies. The charts below will indicate whether responses were received in a timely manner. Three entities did not respond within the Penal Code stipulated timeline.

METHODOLOGY

The 2020-2021 Civil Grand Jury evaluated responses to the 2019-2020 Civil Grand Jury Recommendations to ensure compliance with the governing sections of the Penal Code (PC §933.05(b)). The following criteria were considered:

1. If a response indicated that a Recommendation had been implemented, did it include a summary of what was done?
2. If a response indicated that a Recommendation would be implemented, did it include a summary and timeframe for what would be done?
3. If a response indicated that a Recommendation required further analysis or study, did it include an explanation of the scope, parameters, and timeframe of the proposed analysis or study?
4. If a response indicated that a Recommendation would not be implemented because it was unwarranted or unreasonable, did the respondent include a reasoned explanation supporting that position?

DISCUSSION

The following tables offer a summary of the responses provided to the 2019-2020 Civil Grand Jury's reports, as assessed by the 2020-2021 Civil Grand Jury. In some cases, the responses contained additional details that are not included in the table.

MONO COUNTY JAIL FINAL REPORT

The 2019-2020 Grand Jury was unable to conduct a visit to Mono County Jail as a result of Covid-19. They reported on the steps being made to keep prisoners and staff safe. There were no recommendations for action. The 2020-2021 Grand Jury Continuity Committee did inquire as to the progress of building the proposed new jail. The jail project had been put on hold due to the building of the Mono County Office with completion in early fall of 2020. Mono County Board of Supervisors responded that they are now going forward with planning for the construction of a new jail. The recommendation and response are noted in the chart below. The complete response submitted for this report appears on the Mono County Court website at:

https://www.mono.courts.ca.gov/documents/mono/Mono_County_Sheriffs_Office_Response_to_2020_Grand_Jury_Report.pdf?1614119958337

MONO COUNTY JAIL FINAL REPORT				
R1: The 2019-2020 Grand Jury finds that Mono County continues to maintain a well-run jail facility and has responded to the Coronavirus pandemic in an appropriate manner				
Responding Agency	Recommendation	Response Date: Timely or Tardy	Content Responsive to Penal Code	Summary of Reply and 2020-2021 Civil Grand Jury Analysis
Mono County Sheriff	R1	Due 9/26/2020 Rcvd 09/03/2020 Timely	Yes	Sheriff agrees to the finding and appreciates the positive remark.

CONTINUITY COMMITTEE SOLID WASTE REPORT

The 2019-2020 Grand Jury reviewed the status of the entities’ efforts to comply with recommendations of the 2018-2019 Grand Jury. The analysis concluded that there were no items requiring further investigation; However the 2019-2020 Grand Jury did make recommendations regarding continual progress to ensure that future solid waste needs are being addressed. The recommendations and responses are noted in the chart below. The complete responses submitted for this report by the Town of Mammoth Lakes appear on the Mono County Courts website at: https://www.mono.courts.ca.gov/documents/mono/Town_of_Mammoth_Lakes_Grand_Jury_Response_2020.pdf?1614120304693 The complete responses submitted for this report by the Board of Supervisors is at: https://www.mono.courts.ca.gov/documents/mono/Town_of_Mammoth_Lakes_Grand_Jury_Response_2020.pdf?1614120304693

CONTINUITY COMMITTEE SOLID WASTE REPORT				
R1: The 2019-2020 Grand Jury recommends ToML continue to make progress in planning and researching innovative solid waste solutions which will benefit residents and the environment after the Benton Crossing Landfill closure and beyond. The delay in coming to a beneficial agreement with Mammoth Disposal is concerning but understandable considering what is at stake and recent difficult circumstances.				
R2: The 2019-2020 Grand Jury recommends that Mono County continue to move forward with planning for the Benton Crossing Landfill closure. We also recommend they continue to collaborate with other regional entities as they develop the infrastructure and expertise needed for Mono County to successfully move to a future transition without Benton Crossing Landfill.				
Responding Entity	Recommendation	Response Date: Timely, Tardy, or Late	Content Responsive to Penal Code	Summary of Reply and 2020-2021 Civil Grand Jury Analysis

Town of Mammoth Lakes	R1	Due: 10/18/2020 Rcvd: 10/07/20 Timely	Yes	The Town adopted a 20-year franchise agreement with Mammoth Disposal on September 2, 2020, effective October 1, 2020 and is continuing to make progress on resolving the landfill replacement.
Mono County Board of Supervisors	R2	Due 10/18//2020 Rcvd: 2/2/2021 Late	No - Needs Timeline	The Board of Supervisors is taking appropriate steps for replacement of infrastructure and systems to follow the closure of Benton Crossing Landfill.

CONTINUITY COMMITTEE MCOE REPORT

The 2019-2020 Grand Jury Continuity Committee asked MCOE (Mono County Office of Education) for an update on their progress in meeting recommendations made by the 2018-2019 Grand Jury that were still in progress. The 2019-2020 Grand Jury found the MCOE had complied with R1 and R2 but reinstated R3. The recommendation and response is noted in the chart below. The complete responses submitted for this report appear on the Grand Jury website at:

https://www.mono.courts.ca.gov/documents/mono/MCOE_Response_to_2020_Grand_Jury_Report.pdf?1614119394645

CONTINUITY COMMITTEE MCOE REPORT				
R3: The 2019-2020 Grand Jury recommends that while MCOE has stated the Charter School brings in additional State funding to the benefit of Mono County students, they should also provide a comparison of the Charter School expenses which offset revenues from the State generated by the Charter School. And, provide a method for that information to be available to Mono County Residents.				
Responding Agency	Recommendation	Response Date: Timely, Tardy, or Late	Content Responsive to Penal Code	Summary of Reply and 2020-2021 Civil Grand Jury Analysis
Mono County Superintendent of Schools	R3	Due: 10/18/2020 Rcvd: 02/05/21 Late	No Did not provide a clear comparison of the Charter School expenses which offset revenues generated by the Charter School.	Response did not address R3 as per the 2020 GJ Report.

EMERGENCY PREPAREDNESS FINAL REPORT

The 2019-2020 Grand Jury began to conduct an investigation of the Mono County and ToML emergency preparedness but discontinued the investigation in March as the County found itself responding to the emergency of the Covid-19 pandemic. The County suggested that this would be better done in the future. As the pandemic continued and wildfires also occurred, the 2020-2021 Grand Jury felt that follow-up was necessary, but did not feel the time was right for a full investigation. Finding 1 regarding communication systems was previously noted in the 2018-2019 Grand Jury Jail Report. The recommendations and responses are noted in the chart below. The complete responses are available at the website locations noted above.

EMERGENCY PREPAREDNESS FINAL REPORT				
R1: The 2019-2020 Grand Jury recommends that Mono County and the ToML continue to support Mono County's participation in the FirstNet communications system and/or any appropriate improvements to the system as resources allow. The Grand Jury further recommends that these improvements be made within the scope of a unified plan for the entire County.				
R2: The 2019-2020 Grand Jury recommends that Mono County and the ToML continue to support wildfire mitigation efforts in the areas surrounding Mammoth Lakes and in the County as a whole.				
Responding Agency	Recommendation	Response Date: Timely, Tardy, or Late	Content Responsive to Penal Code	Summary of Reply and 2020-2021 Civil Grand Jury Analysis
Mono County Board of Supervisors	R1	Due: 10/18/2020 Rcvd: 02-02-21 Late	Yes, includes timeline	Mono County Information Technology Department is driving the effort to improve the communications system in Mono County with all stakeholders involved. Substantive improvements will take several years to complete and likely not to be fully operational until 2025.
Town of Mammoth Lakes	R1	Due: 10/18/2020 Rcvd: 10-07-20 Timely	No - Response should include timeline for completion of the process - Penal Code §933.05(c)	The Town is currently in discussions with Mono County and Mammoth Lakes Fire District regarding upgrading the existing radio system.
Mono County Board of Supervisors	R2	Due: 10/18/2020 No response	No	

Town of Mammoth Lakes	R2	Due: 10/18/2020 Rcvd: 10-07-20 Timely	Yes	The Town has Emergency Plans on file and recently received a grant for wildfire mitigation.
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CONCLUSION

The Grand Jury appreciates all departments and agencies that replied to the 2019-2020 Grand Jury’s recommendations. It is important for responses to be complete and responsive so the public can know when to expect actions to be taken to address highlighted issues.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

A copy of this report will be sent to the following:

- Mono County Sheriff
- Mono County Superintendent of Schools
- Mono County Board of Supervisors
- Town of Mammoth Lakes, Town Council